

Meghan Claiborne

From: Meghan Claiborne
Sent: Thursday, February 18, 2021 11:27 AM
To: Thomas Malone; Chris McNerney
Subject: RE: Wexler v. City of Phila - Pictures
Attachments: Defendants' Amended Initial Disclosures.pdf; Evidence Search Results (Tim Oreilly 1 week BWC audit from 6-2-19 to 6-10-19).pdf; Hawkins BWC records 6-9-19.pdf; Hawkins BWC records 6-2-19 through 6-10-19.pdf; Oreilly Video History.pdf; Wexler - Incident History 1906027390.pdf; Wexler - unit history ESDA.pdf; Wexler Medical Checklist.pdf

I have no objection to the depositions. Please provide dates as soon as possible so I can coordinate the depositions with my client's work schedules.

I am very concerned that you only produced highly relevant photographs from the scene and of your client's injuries yesterday, a day before the end of discovery. These should have been produced at the outset of litigation along with your Initial Disclosures and in response to our requests for production. From the file it appears that you never provided any initial disclosures. By the close of business today, please provide initial disclosures, including documents you or your client have in your possession relevant to the claims/defenses and the names/contact information of any individuals with knowledge of the incident. For instance, Plaintiff mentioned her husband several times during the deposition and your client appears to have attended an event at the home of Sivy Blume roughly a month after the incident. Please include the complete names and contact information of these individuals in the initial disclosures.

I anticipate I will need to depose Sivy Blume but cannot notice this deposition until I receive the contact information. Please confirm you have no objection. I will contact her upon receipt of the information and schedule the deposition as soon as possible. Similarly, based upon your client's testimony concerning her husband's knowledge/potential phone call with O'Reilly, and treatment with her sister-in-law and Dr. Phillip Nimoityn, I will need to depose these individuals to the extent you are reserving the right to call them at trial. If you are not calling them, I will forego the depositions. Please let me know by end of day so I can notice the depositions.

Finally, attached please find my updated initial disclosures. I have added the names of the 2 individuals from the Digital Media Evidence Unit. I am in the process of trying to identify the white sergeant in the photograph provided yesterday as well as the 2 transporting officers your client identified in her deposition. I will supplement when/if they are identified. I am supplementing my production with the medical checklist, CAD/MDT records and the Digital Media Evidence Unit records showing activation history for the BWC of Officers Hawkins and O'Reilly, all of which were received this week.

Thank you,
Meghan

From: Thomas Malone <tmalone@themalonefirm.com>
Sent: Thursday, February 18, 2021 11:05 AM
To: Meghan Claiborne <Meghan.Claiborne@Phila.gov>; Chris McNerney <cmcinerney@themalonefirm.com>
Subject: RE: Wexler v. City of Phila - Pictures

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Good morning.

Please confirm that we have an agreement to take the depositions of the other two Defendants after the close of discovery.

Regards,
Tom

From: Meghan Claiborne [Meghan.Claiborne@Phila.gov]
Sent: Thursday, February 18, 2021 8:53 AM
To: Chris McInerney
Cc: Thomas Malone
Subject: RE: Wexler v. City of Phila - Pictures

Received, thank you.

From: Chris McInerney <cmcinerney@themalonefirm.com>
Sent: Wednesday, February 17, 2021 3:37 PM
To: Meghan Claiborne <Meghan.Claiborne@Phila.gov>
Cc: Thomas Malone <tmalone@themalonefirm.com>
Subject: Wexler v. City of Phila - Pictures

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Good afternoon,

Attached please find pictures taken by Ms. Wexler of her injuries, as well as pictures taken by her at the scene of the incident.

Best,
Chris